

**MINUTES  
COLUMBUS BOARD OF ZONING APPEALS  
JUNE 29, 2010  
COUNCIL CHAMBERS, 2<sup>nd</sup> FLOOR, CITY HALL  
123 WASHINGTON STREET  
COLUMBUS, INDIANA**

**Members Present:** Mary Ferdon, Chairperson; Dave Bonnell, Secretary;  
Lou Marr, Jeff Sharp and Tom Wetherald

**Staff Present:** Laura Thayer, Assistant Planning Director; Alan Whitted  
Deputy City Attorney; Emilie Pannell, Associate Planner;  
Derek Naber, Associate planner; Bill Klakamp and  
Stephanie Carr, Code Enforcement

**PUBLIC MEETING**

Mary Ferdon, Chairperson, opened the meeting with a brief explanation about the Board and its responsibilities.

Proof of advertising for all cases was confirmed. The petitions and staff comments are a permanent record at the Planning Department.

Alan Whitted, Deputy City Attorney, administered the oath to all in attendance that would be speaking.

**OLD BUSINESS REQUIRING BOARD ACTION**

Ms. Ferdon read a letter from Jill A. Hammer, director of Children's Services, requesting to withdraw the application for the Use Variance for 623 Lafayette Avenue.

Lou Marr made a motion to accept the withdrawal request for **C/UV-10-02: Early Head Start**. The motion seconded by Tom Wetherald, and passed 5-0.

**PUBLIC HEARING**

**C/UV-10-01: Early Head Start**

Early Head Start is a request for a use variance from Zoning Ordinance Section 3.11 to allow a commercial child care facility in an RS4 (Single-family Residential) zoning district. The hours of service will be 7:30 a.m. to 5:30 p.m., Monday through Friday. The property is located at 2110 Pennsylvania Street in the City of Columbus. An off-site parking area at the rear of the house at 2127 Pennsylvania Street is proposed for employee parking.

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Jill Hammer and Tonya Scott stated their names and address into the record.

Ms. Thayer began by reading the background and a power point presentation was presented.

Ms. Thayer said that the applicant has indicated that the proposed use variance from is for the purpose of allowing a commercial child care facility in an RS4 (Single-family residential) zoning district.

She said the resident at 2127 Pennsylvania has offered parking spaces at the back of her home for teacher if needed. The parking area is accessed off the north-south alley east of Pennsylvania Avenue.

Ms. Hammer began by stating that Early Head Start is a program through Human Services, Inc. that is an income-based, free program for children ages 0-3.

She said within the Early Head Start, there are two different programs, home-based and center-based.

Ms. Hammer said the center-based is a year round program in a classroom setting. It provides children with learning opportunities that are age appropriate.

She said the home-based is a year round program that provides services to children and parents of children age 0-3.

She said there is a fenced in yard at the rear of the house for outdoor play.

The meeting was open to the public.

Linda Curtin was in favor of the petition.

Brenda Ragal was also in favor of the variance request.

Ms. Ferdon read a letter from Cindy Risser, who was in favor of the variance.

The meeting was closed to the public.

Ms. Ferdon re-opened the public hearing so that Debbie Debord could speak on behalf of the petitioners.

Ms. Debord, who is the Director of Human Services, stated that whenever possible they deliver their services in a home atmosphere.

The meeting was closed to the public.

Mr. Sharp asked if the petitioners could address why they feel criterion number 3 is met.

Ms. Hammer said that what makes this property and condition peculiar is the location of the home, because it is so close to the schools, services and families.

Jeff Sharp made a motion to approve **C/UV-10-01** accepting staff's findings of fact for criteria 1, 2, 4, and 5 and addressing number 3, finding that the condition particular to the property involved is that it has been licensed with the State of Indiana for this particular use and other single family homes have not been. The use and development of the property shall be subject to the following conditions:

1. The hours of operation shall be limited to 7:30 a.m. to 5:30 p.m.
2. The maximum number of children onsite shall be 8.
3. The maximum number of child care providers onsite shall be 3.

Dave Bonnell seconded the motion and it passed 5-0.

## **NEW BUSINESS REQUIRING BOARD ACTION**

### **Public Hearing**

#### **C/CU-10-07: Indiana Wesleyan University**

Indiana Wesleyan University is a request for a conditional use approval per Zoning Ordinance Section 3.2(B) to allow a university of college in a CR (Regional Commercial) zoning district. The property is located at 3449 Jonathan Moore Pike in the City of Columbus.

#### **C/DS-10-06: Indiana Wesleyan University**

Indiana Wesleyan University is a request for a development standards variance from Zoning Ordinance Section 7.2(Part 4)(B)(4)(c) to allow a drive aisle for perpendicular parking spaces to be 20 feet in width, which is 4 feet less than required. The property is located 3449 Jonathan Moore Pike in the City of Columbus.

Emilie Pannell began with a brief summary of the background and there was a power point presentation.

Ms. Pannell said the variance request is the result of the expansion of the parking area on the property past an existing ground-mounted electrical transformer, which limits the available spaces by establishing a fixed distance between the transformer and the building.

She said the property is currently vacant and the site includes a vacant 10,000 square foot building and an associated parking lot.

She said that the City Engineering said a 20 foot drive aisle is acceptable because there is not parking on both sides of this particular drive aisle.

She said the City Fire Department had no issues with the proposal.

Jeff Marshall stated his name and address into the record.

Mr. Marshall said that the site has been unoccupied for the last few years and the re-use of it will not affect adjacent properties in any adverse manner.

He said the property will be developed in accordance with the district standards for the site and facility and the existing facility has been empty for over two years.

Mr. Marshall said restaurants and commercial activity will be supported by the university students.

He said the owner will be removing approximately 1700 square feet of a recently constructed building to insure that adequate parking is provided.

The meeting was open to the public.

There was no one to speak for or against the project.

Lou Marr made a motion to approve **C/CU-10-07** based on the findings of fact as presented by staff with conditions as presented by staff.

Tom Wetherald seconded the motion and it passed 5-0.

Dave Bonnell made a motion to approve **C/DS-10-06** accepting the staff's findings of fact.

The motion was seconded by Jeff Sharp and passed 5-0.

#### **C/DS-10-05: Daily Farm Market**

Daily Farm Market is a request for a development standards variance from Zoning Ordinance Section 6.1(C)(3)(b) to allow permanent outdoor sales and display to be located in the required front setback; a development standards variance from Zoning Ordinance Section 6.1(C)(3)(g)(i) to allow permanent outdoor sales and display to exceed the allowed lot coverage by 1,943 square feet; a development standards variance from Zoning Ordinance Section 6.1(C)(3)(g)(iii) to allow permanent outdoor sales and display to be displayed without the required 100% opaque fence or wall that is at least 6 feet in height on 3 sides of the display area; and a development standards variance from Zoning Ordinance Section 7.3(Table 7.7) to allow permanent outdoor sales and display to be located within the Sight Visibility Triangle. The property is located at 2255 Jonathan Moore Pike in the City of Columbus.

Tom Wetherald recused himself from the case, citing a business relationship with the petitioner.

Emilie Pannell began with a power point presentation and read the background into the record.

She said that the applicant has proposed four variances, and explained each request.

Ms. Pannell read the intent of the CR (Regional Commercial) zoning district as stated in the Columbus Zoning Ordinance.

Jeff Marshall and Jim Daily stated their names and address into the record.

Mr. Marshall said that a farmer's market is unlike typical retail, and provides the community the opportunity to access fresh local produce at the time of its harvesting. The presentation of produce utilizes outdoor presentation of the product. The practical difficulties in generating an outdoor display/decoration, and the seasonal changes to the product mix, lend themselves to a unique visual presentation.

He said the provisions of the ordinance restricting site use for display to 10% of the site area, imposes difficulty on a normally open air presentation of farm products and the seasonality of the produce being offered. The difference between flowers, pumpkins, Christmas trees in a decorative presentation is different from salt bags, mulch bags, soda displays, etc that are so familiar in outdoor display areas needing control by enclosure of the products.

Mr. Marshall said in this instance, taking advantage of the normal seasonal decoration used by many commercial sites, the products generally associated with seasonal decoration will be sold on site, and require a variance to accommodate the decorative display.

The meeting was open to the public.

Richard Eynon was in favor of the variance request.

The meeting was closed to the public.

Dave Bonnell made a motion to approve **C/CU-10-05** variance request numbers 1, accepting the provisional findings of fact, with the following condition:

The front display area is limited to seasonal decorations and displays and cannot be used as a sales area or for the storage or stockpiling of products sold on the property.

Lou Marr seconded the motion and it passed 4-0.

Dave Bonnell made a motion to approve **C/CU-10-05** variance request numbers 2, accepting the provisional findings of fact for criteria 2 and 3. For criterion 1, he said that the 540 square feet of additional sales area would not be injurious to the public health and safety. He included the following condition in his motion:

The front display area is limited to seasonal decorations and displays and cannot be used as a sales area or for the storage or stockpiling of products sold on the property.

Jeff Sharp seconded the motion and it passed 4-0.

Dave Bonnell made a motion to approve **C/CU-10-05** variance request numbers 3, accepting the provisional findings of fact, with the following condition:

The front display area is limited to seasonal decorations and displays and cannot be used as a sales area or for the storage or stockpiling of products sold on the property.

Jeff Sharp seconded the motion and it passed 4-0.

Dave Bonnell made a motion to approve **C/CU-10-05** variance request numbers 4, accepting the provisional findings of fact.

Jeff Sharp seconded the motion and it passed 4-0.

## **FINDINGS OF FACT**

The following findings of fact were presented to the Board for Consideration:

### **C/FP-10-01: Griffin Industries**

Jeff Sharp made a motion to accept the findings of fact, and it was seconded by Lou Marr. The motion passed by a vote of 4-0.

## **APPROVAL OF MINUTES**

Dave Bonnell made a motion to approve the minutes of the May 25, 2010 meeting, which was seconded by Jeff Sharp. The motion was approved by a vote of 4-0.

Laura Thayer introduced the new Associate Planner, Derek Naber, who was welcomed by the board members.

## **DISCUSSION**

There being no further business the meeting was adjourned.

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Mary Ferdon, Chair

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Dave Bonnell, secretary